cc: court, kfk, mja

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

2-14-02 MA

Phillips-Van Heusen

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Mitsui O.S.K. Lines LTD., et al.

CASE NO. 1:00-CV-0665

DATE: February 13, 2002

FEB 1 3 2002

PER WITH HARRISBURG DA GETT

Time Terminated: 5:05 PM

Nature of Proceeding: Non-Jury Trial

Time Commenced: 9:00 AM

Plaintiff's Counsel:

1-George R. Zacharkow (Phillips)

2-Carl Delacato, Jr. (Phillips)

Defendant's Counsel:

3-Richard Whelan (DAADS/Maersk)

4-Ann-Michele Higgins (Mitsui)

5-Patrick Keenan (Kellaway)

6-Charles McCammon (Mitsui)

Plaintiff's Witnesses:

Examined By:

Dir

1

Judge Sylvia H. Rambo presiding in open court, Courtroom No. 3, Day #2

Cross

3,5

Defendant's Witnesses:

Examined By:

5

<u>Dir</u> <u>Cross</u> 5,3,4 1,2

4,3

Arthur Dunn

David McLaughlin Manohar Patwardhan

Remarks:

Court opens with all counsel and parties present; Plaintiff's witnesses continue with Arthur Dunn and court admits him as an expert as tendered; Plaintiff rest. DAADS/Maersk, Mitsui and Kellaway move for judgement on damages and liability; Court denies all motions; Stipulations read into record by Maersk re. caption name and how they will be referred to and; Maersk's and Mitsui's tendering of case to Kellaway that was rejected. DAADS/Maersk and Mitsui rest; Kellaway calls witnesses. Keenan reads deposition testimony of Manohar Patwardhan into the record. Mitsui calls rebuttal witness. Whelan reads deposition lines of David McLaughlin into the record; Exhibits are moved by all parties; Defendants rest; Briefing to be filed; Matter taken under advisement.

Courtroom Deputy:

Mark Armbruster

Court Reporter: Vicki Fox

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WITNESS ACTIVITY LIST

Phillips-Van Heusen v. Mitsui O.S.K. Lines LTD., et al.

B=Break, L=Lunch, *=Sidebar

Day #2 , February 13, 2002

1:00-CV-0665

B=Break, L=Lunch, *=Sidebar			Day #2		, February 13, 2002			1:00-CV-0665	
Start	End	Time	Code	Dir.	Cross	Redir	Re- cross	Atty. No.	Witness or Activity
9:00 AM	9:34 AM	:34		X				1	Arthur Dunn
9:35 AM	10:03 AM	:28			X			5	Arthur Dunn
10:03 AM	10:05 AM	:02			X			3	Arthur Dunn
10:05 AM	10:08 AM	:03				X		1	Arthur Dunn
11:15 AM	12:15 PM	1:00	В,В,В	X				5	David McLaughlin
12:15 PM	2:13 PM	1:58	L	х				3	David McLaughlin
2:13 PM	2:32 PM	:19		X				4	David McLaughlin
2:32 PM	3:09 PM	:37	В		Х			1	David McLaughlin
3:09 PM	3:17 PM	:08			Х			2	David McLaughlin
3:17 PM	3:30 PM	:13				X		5	David McLaughlin
3:30 PM	3:40 PM	:10				X		3	David McLaughlin
3:40 PM	3:43 PM	:03				X		4	David McLaughlin
3:54 PM	4:01 PM	:06		X				4	Manohar Patwardhan
4:01 PM	4:08 PM	:07			X			5	Manohar Patwardhan
4:08 PM	4:13 PM	:05				X		4	Manohar Patwardhan
4:13 PM	4:13 PM	<:01					Х	5	Manohar Patwardhan
4:13 PM	4:14 PM	:01				X		3	Manohar Patwardhan
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